

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1183/89

New Delhi this the 4th day of April, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

Gaj Raj Singh S/O Manphool Singh,
Const. No.641/L O.P. Lines (MDS)
Delhi R/O Village Kunj Pura,
P.O. Tej Pur, Distt. Mchindergarh,
Haryana. ... Petitioner

By Advocate Shri A. S. Grewal

Versus

1. Lt. Governor of Delhi
through Chief Secretary,
Delhi Administration, Delhi.
2. Commissioner of Police, Delhi,
Police Headquarters,
M.S.O. Building, I.P. Estate,
New Delhi.
3. Deputy Commissioner of Police,
Provisions & Lines,
Old Police Lines,
Delhi. ... Respondents

By SI Sukhbir Singh, Departmental Representative

O R D E R (CRAL)

Hon'ble Mr. Justice V. S. Malimath -

Shri A. S. Grewal, learned counsel appearing for the petitioner, made his submissions. SI Sukhbir Singh who was present in the court stated that their counsel Ms. Ashoka Jain is out of station and that the case may be adjourned. That is no good ground for adjournment. No arrangements have been made for the conduct of the case and no adjournment was sought by the counsel at any time. Hence, we proceed to hear

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the learned counsel for the applicant, look into the records and dispose of the case on merits. It is unfortunate that the respondents remain callously indifferent to the conduct of their cases before the Tribunal. We are saying this because this is not the first experience of such indifference on the part of the respondents.

2. The petitioner was appointed temporarily as a Police Constable on 15.3.1988. A notice was issued to him by the appointing authority, the Deputy Commissioner of Police, as per Annexure-A on 8.5.1989 under sub-rule (1) of Rule 5 of the C. C. S. (Temporary Service) Rules, 1965 to the effect that the services of the petitioner shall stand terminated with effect from the date of expiry of a period of one month from the date of service of the notice. On the service of the notice, another order came to be made as per Annexure-B terminating the services of the petitioner on the expiry of one month from the date of service of notice. The petitioner made a representation as per Annexure-C to the Commissioner of Police complaining about his termination. As there was no response, he approached this Tribunal challenging his termination.

3. Admittedly, the petitioner who was appointed on temporary basis, was governed by Rule 5 of the Temporary Service Rules, 1965. Under the said statutory provision, services of a temporary government servant can be terminated without assigning any reasons by issuance of one month's notice. That is precisely what has been done in this case. The order does not cast any stigma

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on the petitioner. Hence, no inquiry was required to be held. It is now well settled by the decisions of the Supreme Court that whenever any misconduct of a government servant who is employed on a temporary basis comes to notice of the appointing authority, it has a choice to make either an order terminating the services of the temporary government servant in exercise of the statutory powers conferred by Rule 5(1) of the Temporary Service Rules, 1965 or to hold a disciplinary inquiry in accordance with law to inflict appropriate punishment. The choice is of the appointing authority. It is open to the appointing authority to make a choice either way. In this case the choice was made in favour of exercising the statutory power under Rule 5(1) to terminate the petitioner's services by issuing one month's notice. As no stigma is attached by the order, exercise of the statutory power conferred by Rule 5(1) by the appointing authority, cannot be faulted. In the reply filed by the respondents, the reason which persuaded the authorities to exercise the statutory power of termination has been stated. It is stated that the petitioner obtained a forged employment exchange card and secured appointment on the basis of such forged document. The petitioner was also asked to explain and he said that a particular person managed to get the employment exchange card for him and that he had produced the same. The material produced by him does indicate that he has really no cause to show against the use of the forged employment card.

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4. In view of the above, we see no good grounds to interfere in this case. Hence, this application fails and is dismissed. No costs.

P. T. Thiruvengadam
(P. T. Thiruvengadam)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

/as/